

Notice of Allowability

Application No.

10/695,906

Examiner

Sow-Fun Hon

Applicant(s)

TAKEDA ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/27/06.
2. ☒ The allowed claim(s) is/are 24-37 and 40-43.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/09/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce Kramer on 11/09/06.

The application has been amended as follows:

2. Amend claim 24: Line 18: after " (2) a resin containing at least an allyl group and hydroxyl group, ", insert - - the resin comprising benzyl methacrylate, methacrylic acid and allyl acrylate monomer units, - -.

3. Amend claim 24: Rewrite Line 28: as: - - whereby a spacer~~[according to claim 43]~~ is formed.- -

4. Amend claim 42: Line 18: after " (2) a resin containing at least an allyl group and hydroxyl group, ", insert - - the resin comprising benzyl methacrylate, methacrylic acid and allyl acrylate monomer units, - -.

5. Amend claim 43: Line 18: after " (2) a resin containing at least an allyl group and hydroxyl group, ", insert - - the resin comprising benzyl methacrylate, methacrylic acid and allyl acrylate monomer units, - -.

6. Claims 42-43 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 24-37, 40-41, directed to the process of making

Art Unit: 1772

or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 12/07/05 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance.

The closest cited prior art of record, US 6,191,184 fails to teach or suggest, even in view of US 6,653,769, US 5,294,516, US 5,563,020, US 6,569,603, US 5,955,198, US 5,593,802, US 5,625,021 and US 5,529,524, the combination of a spacer formed by a method comprising: placing a photosensitive transfer material onto a receptor so that a photosensitive resin layer of the photosensitive transfer material is attached to the receptor, the photosensitive transfer material comprising a temporary support, an alkali-soluble thermoplastic resin layer, an interlayer, and the photosensitive resin layer arranged in this order; peeling the temporary support off from the alkali-soluble thermoplastic resin layer; exposing the photosensitive resin layer to radiation via the alkali-soluble thermoplastic resin layer and the interlayer; and removing unexposed portions in the photosensitive resin layer using an alkaline aqueous solution, and curing the exposed portions, wherein the alkali-soluble resin layer and the interlayer are also removed when the unexposed portions in the photosensitive resin layer are removed using the alkaline aqueous solution, and wherein the photosensitive resin layer is formed from a resin composition for a spacer, the resin composition comprising: (a) at least one resin selected from (1) a resin containing at least an allyl group, the resin being a benzyl methacrylate/methacrylic acid/allyl acrylate terpolymer, (2) a resin containing at least an allyl group and a hydroxyl group, the resin comprising benzyl methacrylate, methacrylic acid and allyl acrylate monomer units, and (3) a resin mixture containing an allyl-containing resin and a hydroxyl-containing resin, the allyl-containing

Art Unit: 1772

resin being a benzyl methacrylate/methacrylic acid/allyl acrylate terpolymer; (b) a polymerizable monomer; (c) a polymerization initiator; and (d) an extender, wherein an amount of the extender is 5% by mass to 50% by mass of the total solid contents of the resin composition, and wherein the resin composition for spacer is a photo-polymerizable resin composition.

None of the references teach the spacer formed from polymerizing the specific resin composition of a resin containing at least an allyl group, comprising benzyl methacrylate, methacrylic acid and allyl acrylate monomer units, mixed with a polymerizable monomer, a polymerization initiator and an extender in the amount of 5% by mass to 50% by mass of the total solid contents of the resin composition.

Furthermore, Table 1 of Applicant's specification shows that the specific resin composition gives an unexpected combination of a lower plastic deformation and a higher removability of residue (Specification, pages 47-48), wherein the lower plastic deformation translates into a higher compression strength (Specification, page 37) and the higher removability of residue translates into a more accurate spacer profile.

Art Unit: 1772

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon

Sow-Fun Hon

11/09/06

Reena Dye
REENA DYE
SUPERVISORY PATENT EXAMINER
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